



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE
13901 Crown Court, Woodbridge, Virginia 22193
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Andrew R. Wheeler
Secretary of Natural and Historic Resources

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Director
(804) 698-4000

Thomas A. Faha
Regional Director

**VIRGINIA WASTE MANAGEMENT BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
Perdomo National Wrecking Co., LLC
And
Perdomo Realty, LLC
FOR
Perdomo National Wrecking Unpermitted Activity
Incident Report No. 291295**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Virginia Waste Management Board Perdomo National Wrecking Co., LLC and Perdomo Realty, LLC regarding Perdomo National Wrecking unpermitted activity, for the purpose of resolving violations of the Virginia Waste Management Act and the applicable regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the Virginia Waste Management Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1401.
2. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

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3. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
4. "Facility" or "Site" means Stafford County Property ID 38 22A (Alternate ID 23742), which is located at the end of Potomac Creek Drive, in Fredericksburg, Stafford County, Virginia.
5. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.
6. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
7. "Order" means this document, also known as a "Consent Order" or "Order by Consent."
8. "Perdomo" means Perdomo National Wrecking Co., LLC and Perdomo Realty, LLC, companies authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Perdomo is a "person" within the meaning of Va. Code 10.1-1400.
9. "Regulations" or "VSWMR" means the Virginia Solid Waste Management Regulations, 9 VAC 20-81-10 *et seq.*
10. "Va. Code" means the Code of Virginia (1950), as amended.
11. "VAC" means the Virginia Administrative Code.
12. "Virginia Waste Management Act" means Chapter 14 (§ 10.1-1400 *et seq.*) of Title 10.1 of the Va. Code. Article 2 (Va. Code §§ 10.1-1408.1 through -1413.1) of the Virginia Waste Management Act addresses Solid Waste Management.
13. "Warning Letter" or "WL" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.

SECTION C: Findings of Fact and Conclusions of Law

1. The property is owned by Perdomo Realty, LLC. Operations at the Site are conducted by Perdomo National Wrecking Co., LLC under Mr. Minni's management, an agent of Perdomo.
2. Operations at the Facility are subject to the Virginia Waste Management Act and the Regulations.
3. On June 5, 2019, while conducting an investigation related to an oil spill cleanup at the request of Stafford County, DEQ staff observed large waste piles and multiple roll-off containers labeled "Perdomo." Specific items in the waste piles included bricks, cinder

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blocks, rebar, framing lumber, metal studs, plastic, bagged trash, office partitions, and a used tire. The observed waste was consistent with the definition of construction waste also denoted as construction demolition debris (CDD).

4. Title 10.1, Chapter 14 of Virginia Waste Management Act, §10.1-1418.1 Improper disposal of solid waste, civil penalties, states that "It shall be the duty of all persons to dispose of their solid waste in a legal manner."
5. VSWMR, 9VAC 20-81-40 for Prohibitions states, in part, that: "(A) No person shall operate any sanitary landfill or other facility for the disposal, treatment, or storage of solid waste without a permit from the Director; (B) No person shall allow waste to be disposed of or otherwise managed on his property without a permit from the Director; (C) It shall be the duty of all persons to dispose of or otherwise manage their solid waste in a legal manner; and (D) Any person -who violates subsection (A), (B), or (C) of this section shall immediately cease the activity of improper management and the treatment, storage, or disposal of any additional wastes and shall initiate such removal, cleanup, or closure in place."
6. On June 24, 2019, DEQ issued a Warning Letter to Perdomo Realty LLC, sent via email to Mr. Anwar Minni, an agent of Perdomo.
7. DEQ did not receive a response to the Warning letter, and on October 17, 2019, DEQ staff observed trucks hauling waste consistent with CDD onto the Site.
8. On November 1, 2019, DEQ issued a Notice of Violation to Mr. Minni. The Notice of Violation was addressed to Perdomo National Wrecking Company, LLC.
9. DEQ did not receive an initial reply to the Notice of Violation. DEQ sent a letter notice to Mr. Minni on December 19, 2019, requesting a response to the Notice of Violation.
10. On December 30, 2019, DEQ received an email response to the Notice of Violation from Mr. Minni stating that the waste materials at the Site would be cleaned up and removed from the property.
11. During an offsite visual inspection of Site conducted in September 2020, DEQ staff observed conditions at the Site to be very similar to the conditions observed in 2019, with waste piles present and no apparent corrective actions performed as requested by DEQ. On October 1, 2020, DEQ emailed Mr. Minni and requested the noncompliance at the Site be resolved by December 1, 2020. DEQ did not receive a response to this request.
12. Based on the results of DEQ's Site investigation on June 5, 2019, DEQ's observations of the Site from off-property on October 17, 2019, the email reply submitted to DEQ on December 30, 2019, and related correspondence between DEQ and representatives of Perdomo, the Board concludes that Perdomo has violated 9VAC 20-81-40, and Title

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10.1, Chapter 14 of Virginia Waste Management Act, §10.1-1418.1, as described above in paragraphs C(1) through C(10).

13. In order for Perdomo to return to compliance at the Site, DEQ staff and Perdomo have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1455, the Board orders Perdomo, and Perdomo agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of **\$15,450** in settlement of the violations cited in this Order. The civil charge shall be paid in accordance with the following schedule:

Due Date	Amount Due
Within 30 days of execution of Order	\$3,862.50 or balance
Within 120 days of execution of Order	\$3,862.50 or balance
Within 210 days of execution of Order	\$3,862.50 or balance
Within 300 days of execution of Order	\$3,862.50 or balance

If the Department fails to receive a civil charge payment pursuant to the schedule described above, the payment shall be deemed late. If any payment is late by 30 days or more, the entire remaining balance of the civil charge shall become immediately due and owing under this Order, and the Department may demand in writing full payment by Perdomo. Within 15 days of receipt of such letter, Perdomo shall pay the remaining balance of the civil charge. Any acceptance by the Department of a late payment or of any payment of less than the remaining balance shall not act as a waiver of the acceleration of the remaining balance under this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Perdomo shall include his Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Perdomo shall be liable for attorneys' fees of 30% of the amount outstanding.

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SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Perdomo for good cause shown by Perdomo, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order, in the Warning Letter dated June 24, 2019, and in the Notice of Violation dated November 1, 2019. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Perdomo admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.

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4. Perdomo consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.

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5. Perdomo declares he has received fair and due process under the Administrative Process Act and the Virginia Waste Management Act and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Perdomo to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Perdomo shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Perdomo shall demonstrate that such circumstances were beyond his control and not due to a lack of good faith or diligence on his part. Perdomo shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

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- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.

10. This Order shall become effective upon execution by both the Director or his designee and Perdomo. Nevertheless, Perdomo agrees to be bound by any compliance date which precedes the effective date of this Order.

11. This Order shall continue in effect until:

- a. The Director or his designee terminates the Order after Perdomo has completed all of the requirements of the Order;
- b. Perdomo petitions the Director or his designee to terminate the Order after he has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
- c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Perdomo.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Perdomo from his obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Perdomo, or an authorized representative of Perdomo, and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.

13. The Order shall be enforceable by the Department.

- a. The Department shall have the authority to enforce the Order if Perdomo fails to comply with the Order.
- b. Perdomo shall be responsible for the costs of enforcement of the Order. The Department shall have the authority to enforce the Order if Perdomo fails to comply with the Order.

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13. Any documents to be submitted pursuant to this Order shall be submitted by Perdomo or an authorized representative of Perdomo.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By his signature below, Perdomo voluntarily agrees to the issuance of this Order.

And it is so ORDERED this _____ day of _____, 2022.

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Thomas A. Faha, Regional Director

Department of Environmental Quality

13. Any documents to be submitted pursuant to this Order shall be submitted by Perdomo or an authorized representative of Perdomo.-----
(Remainder of Page Intentionally Blank)-----

14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

15. By his signature below, Perdomo voluntarily agrees to the issuance of this Order.

And it is so ORDERED this _____ day of _____, 2022.

Thomas A. Faha, Regional Director

Department of Environmental Quality

13. Any documents to be submitted pursuant to this Order shall be submitted by Perdomo or an authorized representative of Perdomo.-----
(Remainder of Page Intentionally Blank)-----

Perdomo National Wrecking Co., LLC and Perdomo Realty, LLC voluntarily agree to the issuance of this Order.

Date: 3/25/22 By: Anwar Minni
(Person)
Perdomo National Wrecking Co., LLC and Perdomo Realty, LLC

Commonwealth of Virginia

City/County of Fairfax County

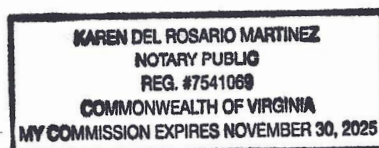
The foregoing document was signed and acknowledged before me this 25th day of March, 2022, by Anwar N. Wahab Minni who is CEO of Perdomo National Wrecking Co., LLC and Perdomo Realty, LLC, on behalf of the companies.

Karen Del Rosario Martinez
Notary Public

7541069
Registration No.

My commission expires: November 30, 2025

Notary seal:



The foregoing document was signed and acknowledged before me this _____ day of _____, 2022, by _____ who is _____ of Perdomo National Wrecking Co., LLC and Perdomo Realty, LLC, on behalf of the companies.

APPENDIX A SCHEDULE OF COMPLIANCE

Perdomo National Wrecking Co., LLC and Perdomo Realty, LLC shall:

1. Immediately cease all unpermitted waste management activities at the subject property, including but not limited to receiving, dumping, storing, sorting, and/or processing of waste materials. None of the aforementioned unpermitted activities shall resume at the subject property until an appropriate waste permit is obtained from DEQ.
2. Within 60 days of the effective date of this Order, complete the installation of signage at the subject property that says "No Dumping" and the installation of suitable barriers to limit unauthorized access and prevent new unauthorized waste from being deposited and submit documentation of the signage and barrier installation to DEQ.
3. Within 120 days of the effective date of this Order, complete the removal of waste materials from the subject property, and coordinate and complete a Site inspection with DEQ staff.
 - a. After DEQ issues an inspection report for the Site inspection, Perdomo shall complete any corrective actions listed in the inspection report, if applicable, and submit a written response to DEQ's Site inspection report within 14 days of the date of issuance of the inspection report, or by a later date approved by DEQ in writing.
 - b. All corrective actions requested by DEQ in follow-up to the Site inspection that are required to bring the Site into compliance with the Virginia Waste Management Act and the applicable regulations, are to be completed no later than one year after the effective date of this Order.
4. Unless otherwise specified in this Order, Perdomo shall submit all requirements of Appendix A of this Order to:

Virginia Department of Environmental Quality
Northern Regional Office
Attention: Enforcement
13901 Crown Court
Woodbridge, VA 22193
4. Unless otherwise specified in this Order, Perdomo shall submit all requirements of Appendix A of this Order to: